

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2017

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THE HONOURABLE Mr.JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE Mr.JUSTICE N.SESHASAYEE

W.P.No.18608 of 2017

V.Vishwanathan

... Petitioner

Vs.

1. The Chairman,
The Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai - 600 005.
2. The Estate Officer,
The Tamil Nadu Slum Clearance Board,
Estate Office No.6,
212, Ramakrishna Mutt Road,
Chennai - 600 004.
3. The Zonal Officer,
The Greater Corporation of Chennai,
Zonal Office -13,
115, Dr.Muthulakshmi Salai,
Adyar, Chennai - 600 020.
4. The Executive Engineer,
TP (Enforcement),
Regional Joint Commissioner (South),
115, Dr. Muthulakshmi Salai,
Adyar, Chennai - 600 020.
5. The Assistant Executive Engineer,
The Greater Corporation of Chennai,
Unit 38, Zone13, L.B. Road,
115, Dr. Muthulakshmi Salai,
Adyar, Chennai - 600 020.
6. The Junior Engineer,
Corporation of Chennai,
Division 176, Corporation Divisional Office,
L.B.Road, 115, Dr. Muthulakshmi Road,
Adyar, Chennai - 600 020.

7. P.Suguna Pushpalingam

8. S.Pushpalingam

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus, calling for the records directing the respondents herein to consider the petitioner's representation dated 04.7.2017 delivered and acknowledged the same on 07.07.2017 by the respondents 1 to 6 respectively, to comply with the genuine request made therein within the specific period stipulated.

For Petitioner : Mr. V.Ramana Reddy

For Respondents: Mr. R.Sivakumar, Standing Counsel for
Slum Clearance Board [for RR1 & 2]
Mr. A.Nagarajan, Standing Counsel for
Chennai Corporation [for RR3, 5 & 6]
Mr. A.N.Thambidurai
Special Government Pleader [RR4]

ORDER

[Order of the Court was made by M.SATHYANARAYANAN,J.]

By consent, the writ petition is taken up for final disposal.

2. The petitioner claims to be an allottee of a tenement in the ground floor in Block-A bearing Door No.2, Thiruvalluvar Nagar, 5th Avenue, Besant Nagar, Chennai - 600 090 and the grievance expressed by him is that the seventh and eighth respondents, who are also the allottees, had encroached upon the common area by putting up superstructures without any planning permission and authorisation and thereby blocking the easementary right of light and air to the premises, and despite very many representations submitted, no action has been taken and therefore, has come forward with this writ petition

3. The learned counsel appearing for the petitioner has drawn the attention of the Court to the typed set of documents and would submit that the petitioner was also issued with a Stop Work notice calling for approved plan by the fourth respondent dated 31.12.2014 and on instructions would submit that if any offending construction on the part of the petitioner is noted, the petitioner will remove the same at his own costs, failing which, the respondents 3 to 5 can also take appropriate action for removal of the same.

4. The learned counsel for the petitioner has also invited attention of this Court to Form No.II - Lock and Seal notice

dated 17.03.2015 issued under Sections 56 & 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act 1971, issued to the seventh respondent and would submit that the seventh respondent has put up unauthorised construction in the ground and first floor admeasuring to an extent 114.38 mtr. sq. and 98.09 mtr.sq. respectively and despite the lapse of nearly two years, no action has been taken, and therefore, the petitioner is constrained to approach this Court by filing this writ petition.

5. Mr.A.Nagarajan, learned Standing Counsel for the respondents 3,5 and 6 would submit that fourth respondent will take appropriate action in terms of the lock and seal notice subject to legal process.

6. The learned Standing Counsel for the Slum Clearance Board would submit that as per the information submitted to the petitioner under the provisions of Right to Information Act, the seventh respondent did not obtain any planning permission from the Slum Clearance Board to put up additional construction.

7. This Court considered the rival submissions and also perused the materials placed before it.

8. In the light of the above facts and circumstances, this Court without going into the merits of the claim projected by the petitioner, directs the fourth respondent to put the seventh respondent on notice and thereafter shall proceed further in terms of the lock and seal notice dated 17.03.2015, in accordance with law and pass appropriate orders within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as the private respondents.

9, The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

ds

To:

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Adyar, Chennai - 600 020.

+2cc's to Mr.R.Sivakumar, Advocate, S.R.No.52315
+1cc to Mr.A.Nagarajan, Advocate, S.R.No.52335
+1cc to Mr.V.Ramana Reddy, Advocate, S.R.No.52356

W.P.No.18608 of 2017

CS V
CA(30/08/2017)

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